

## **REQUEST FOR INFORMATION**

Solicitation No. RFI.LTCOP16

Hawaii Executive Office on Aging

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The State of Hawaii, Department of Health, Executive Office on Aging (EOA) is requesting interested State agencies, advocacy organizations, Area Agencies on Aging, and other interested parties to provide information and feedback that will assist EOA to develop a Request for Proposal (RFP) for the provision of the Office of the State Long Term Care Ombudsman (SLTOP).

Information provided during the RFI process is optional and is not required to respond to any subsequent procurement action a purchasing agency may take. In addition, neither the purchasing agency nor the interested party responding has any obligation under the RFI.

The Executive Office on Aging is seeking guidance on the reasonableness of the Scope of Work. Please provide your comments back to the Executive Office on Aging by Thursday, July 15, 2016.

### **I. Issuing Organization and Need Statement**

This Request for Information (RFI) is issued by the Hawaii Executive Office on Aging (EOA). The Executive Office on Aging (EOA) is the State Unit on Aging and serves as the leader, relative to aging issues throughout the State. EOA is responsible for carrying out a wide range of functions related to advocacy, planning, coordination, interagency linkages, information sharing, brokering, monitoring and evaluation; all designed to lead to the development or enhancement of comprehensive and coordinated community based systems in, or serving communities throughout the State. These systems shall be designed to assist older adults in leading independent, meaningful, and dignified lives in their own homes and communities for as long as possible.

In turn, the Area Agencies on Aging (AAAs) serve as the leaders relative to issues in the designated planning and service areas. In the State of Hawaii, the AAAs are located in the four counties, namely the County of Kauai, Agency on Elderly Affairs; the City and County of Honolulu, Elderly Affairs Division; the County of Maui, Maui County Office on Aging; and the County of Hawaii, Hawaii County Office of Aging.

The AAAs contract with providers of services to address the needs of older adults such as supportive services, congregate and home delivered meals, in-home services, elder abuse services, family caregiver services, and health maintenance services.

These services are provided at the local level through Hawaii long-term services and supports network.

EOA seeks to enter into a contract with an individual or organization to operate the Office of the State Long Term Care Ombudsman Program (SLTCOP) beginning October 1, 2016. The initial contract period is for one year through September 30, 2017 with annual extensions of four (4) years or 48 months based on awarded contractor's performance and the availability of funding.

The SLTCOP is established in Title VII Chapter 2 of the Older Americans Act (OAA) as amended. The SLTCOP is charged to protect the health, safety, welfare, and rights of residents of long-term care facilities in accordance with state and federal law. An Ombudsman's primary responsibility is to investigate and resolve complaints on behalf of individuals. The Ombudsman may also provide information and consultations to individuals, family members, providers, the public, and other community partners. The SLTCOP shall also serve as an advocate and agent for system-wide change.

In February 2015, the United States Administration on Aging (AOA) promulgated new regulations under the authority of sections 201(e), 307(a), and 712-713 of the Older Americans Act (OAA, or the Act) (42 U.S.C. 3011(e), 3027, and 3058g-3058h, respectively). The new regulations will be implemented effective July 1, 2016 and will be incorporated into the Hawaii LTCOP. Regulations are found at: <https://www.federalregister.gov/articles/2015/02/11/2015-01914/state-long-term-careombudsman-programs#h-8>

## **II. Funding**

EOA will provide approximately \$100,000.00 contingent upon receipt of state and federal funding for the October 1, 2016 through September 30, 2017 grant award term. The SLTCOP program is funded through the Federal Administration for Community Living (ACL), formerly known as the Administration on Aging (AoA) and state general funds.

## **III. Scope of SLTCOP Services Requested**

EOA is seeking an organization or an individual to operate the Hawaii SLTCOP consisting of the State Ombudsman and sufficient Ombudsman staff and volunteers to:

- A) Fulfill the required functions of Title VII of the Older Americans Act (OAA) for people residing in "long-term care facilities" (licensed adult residential care homes, expanded adult residential care homes, community care foster family homes, assisted living residences and nursing facilities). Requirements are found at [http://www.aoa.gov/AoA\\_programs/OAA/oa\\_full.asp#\\_Toc153957794](http://www.aoa.gov/AoA_programs/OAA/oa_full.asp#_Toc153957794).
- B) Fulfill the requirements of Hawaii Revised Statutes [§349-21, 22, 23, 24, and 25] which can be found at [http://www.capitol.hawaii.gov/hrscurrent/Vol07\\_Ch0346-0398/HRS0349/HRS\\_0349-0021.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0349/HRS_0349-0021.htm).
- C) Provide person-centered complaint management and resolution for approximately 12,340 residents of "long term care facilities" in Hawaii.
- D) Form collaborative relationships with providers to improve the quality of services in all Hawaii care settings, including nursing facilities, adult residential care homes, expanded adult residential care homes, community care foster family homes, assisted living facilities and other home and community based settings.

- E) Increase public awareness of the LTC Ombudsman Program, volunteer capacity, program quality, accessibility and complaint resolution.
- F) Present an advocacy agenda and work plan for review by the Executive Office on Aging based on Hawaii-relevant data.
- G) Incorporate Results Based Accountability (RBA) methodology for continuous quality improvement of the SLTCOP.

#### **IV. Required Activities**

**A. STATUTORY REQUIREMENTS:** The selected Awardee is in accordance with the Hawaii Revised Statutes 349-21 will be expected to:

- 1) Prepare an annual report in accordance with the federal Older Americans Act, as amended. The long-term care ombudsman, personally or through a designee, shall represent the interests of residents of long-term care facilities, individually and as a class, to:
  - a) Protect their health, safety, welfare, and rights; and
  - b) Promote improvement in the quality of care they receive and their quality of life;
- 2) Identify, investigate, and resolve complaints, including but not limited to:
  - a) Complaints against providers of long-term care services and their representatives;
  - b) Made by or on behalf of residents of long-term care facilities including but not limited to:
    - i) Actions, inactions or decisions that may adversely affect the health, safety, welfare, or rights of residents of long-term care facilities; and
    - ii) The appointment and activities of guardians and representative payees.
- 3) Monitor and comment on the development and implementation of federal, state, and local laws, regulations, policies, and actions that pertain to the health, safety, welfare, or rights of residents of long-term care facilities, including the adequacy of long-term care facilities and services in the State, with recommended changes as necessary;
- 4) Provide information as appropriate to public agencies regarding the problems of residents of long-term care facilities;
- 5) Train volunteers and employees to assist them in understanding the complex issues that impact residents in long term care settings and how the State Long Term Care Ombudsman and its Program advocates for residents living in licensed long-term care (LTC) facilities;
- 6) Promote the development of citizen organizations to participate in the advocacy program;
- 7) Establish procedures for appropriate access by the long-term care ombudsman to long-term care facilities and to residents of long-term care facilities;
- 8) Establish procedures for appropriate access by the long-term care ombudsman to all resident records or portions thereof necessary for the long-term care ombudsman to evaluate the merits of a specific complaint or complaints; provided that resident records shall be divulged only with the written consent of the resident or the resident's legal representative;

- 9) Establish procedures for appropriate access to files maintained by the long-term care ombudsman, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed unless:
  - a) The complainant or resident, or the complainant's or resident's legal representative, consents in writing to the disclosure; or
  - b) The complainant or resident consents orally and the consent is documented contemporaneously in writing by the long-term care ombudsman or designee; or
  - c) The disclosure is required by court order;
- 10) Provide technical assistance for the development of resident and family councils to help protect the health, safety, welfare, and rights of residents of long-term care facilities;
- 11) Provide residents of long-term care facilities with:
  - a) Information regarding how to obtain necessary services;
  - b) Regular access to the office of the long-term care ombudsman at times deemed reasonable and necessary by the long-term care ombudsman; and
  - c) Regular and timely responses to their complaints (within two business days);
- 12) Seek administrative, legal, or other remedies to carry out this part; and
- 13) Carry out all other responsibilities as provided by state or federal law.

**B. MISCELLANEOUS REQUIREMENTS:** In addition, the Awardee shall:

- 1) Provide a Federal Fiscal Year (FFY) 2016 budget and work plan for the SLTCOP to the State for review and approval;
- 2) Ensure that 100% of complaints are handled by certified staff and/or volunteers;
- 3) With respect to paid staff, ensure that staff achieves certification within 6 months of beginning employment;
- 4) Complete and utilize components of the Self-Evaluation and Continuous Quality Improvement Tool for State Long-Term Care Ombudsman Programs to inform continuous quality improvement;
- 5) Provide outreach and education consistent with the State Plan on Aging, October 1, 2016 – September 30, 2017. The plan can be found at [www.hawaiiadrc.org](http://www.hawaiiadrc.org);
- 6) Meet all reporting requirements of the State and the Administration for Community Living, (ACL), including but not limited to, submission of timely quarterly statistical reports to the State which indicate:
  - a) The total number of complaints;
  - b) The total number of complaints closed;
  - c) A breakdown by complaint type, utilizing the Ombudsman Reporting Tool (ORT) complaint category codes;
  - d) Whether each complaint was verified and the manner of disposition; and
  - e) A categorization of complaints and demographic information regarding the complaints;
- 7) The number of days necessary to bring each complaint to disposition and close of the case;

- 8) The number of consultations provided to individuals and to facilities and providers during the quarter. Submit statistical reports in a format which reflects statewide aggregate data, and, upon request, submit statistical reports indicating:
  - a) The number of complaints received by each field Ombudsman;
  - b) By county;
  - c) By type of provider or facility;
  - d) By pay status; and
  - e) By each individual facility;
- 9) Provide a report that describes all HCBS complaints opened during the previous quarter. This report will include the actions taken and the party against whom the complaint was made;
- 10) Describe an advocacy agenda which includes Hawaii-relevant data and/or research elements;
- 11) Prepare and submit an Annual Report to the State. The Grantee shall also prepare and submit an Annual Federal Report to the Administration for Community Living as required by section 712 (h) (1) of the Older Americans Act. The Grantee shall submit a copy of the Annual Federal Report to the State;
- 12) Provide individual and administrative advocacy on behalf of residents of long-term care facilities. This includes duties outlined in OAA, Title VII, § 712 (A) (3) and HRS §349-21;
- 13) Program Quality and Complaint Resolution: The percentage of complaints resolved to the satisfaction of the resident shall be maintained at 75% or greater;
- 14) Program Quality and Accessibility: To ensure ombudsman presence and access to the ombudsman by residents of long-term care facilities, the Grantee shall work toward the goal of ensuring that at least 95% of all long-term care facilities are visited each quarter by the ombudsman or designated ombudsman representatives;
- 15) Collaborate with community partners and the State of Hawaii in the effort to create culture change in nursing facilities and HCBS services to improve quality outcomes for people with Alzheimer's and related disorders;
- 16) Participate in all EOA Policy Advisory Board for Elderly Affairs Board meetings and provide updates as requested;
- 17) Participate in Kupuna Caucus meetings of the Hawaii State Legislature;
- 18) Partner with the State of Hawaii and its stakeholders in other efforts to improve quality of services to residents in nursing facilities, adult residential care homes, expanded adult residential care homes, community care foster family homes, assisted living facilities, and HCBS settings;
- 19) Maintain a brochure or written materials describing Ombudsman services;
- 20) Meet monthly with State staff responsible for monitoring this Grant to review:
  - a) complaints and any assistance needed to resolved complaints; and
  - b) quality of care issues and ways to coordinate with case managers and service providers; and
- 21) Implement and comply with the new AOA Ombudsman regulations effective July 1, 2016.